

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**STATE ORIGIN
AIR QUALITY PERMIT**

Permittee Name: Rogers Recycling Company - LLC
(A Subsidiary of Rogers Group, Incorporated)
Mailing Address: P.O. Box 25250, Nashville, Tennessee 37202

is authorized to construct and operate a portable limestone crushing operation

Source Name: Rogers Recycling Company - LLC: Portable Crushing
Plant No. 1
Mailing Address: Same as above
Source Location: Anywhere in the Commonwealth of Kentucky

KYEIS ID #: 102-1320-0077
FINDS Number:
SIC Code: 1422

Region: Bluegrass
County: Franklin

Permit Number: S-97-103
Log Number: F268
Permit Type: Minor
Construction/Operating

Issuance Date: November 24, 1997
Expiration Date: November 24, 2002

**John E. Hornback, Director
Division for Air Quality**

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be administratively and technically complete, the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the permit application, and other information submitted by the permittee. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, alter, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- 01 (-) Receiving**
- 05 (C-3) 30" x 100' Conveyor and Transfer Points
 (To Rip Rap Stockpile)**
 - (SP-1) Rip Rap Stockpile**
 - (LO-1) Rip Rap Truck Loadout**
- (C-5) 36" x 120' Conveyor and Transfer Points
 (To Base Stockpile)**
 - (SP-2) Base Stockpile**
 - (LO-2) Base Truck Loadout**
- (C-6) 36" x 96' Conveyor and Transfer Points
 (To 2's Stockpile)**
 - (SP-3) 2's Stockpile**
 - (LO-3) 2's Truck Loadout**
- 06 (-) Haul Road and Yard Area**
- 07 (-) Paved Haul Road and Yard Area**

1. Applicable Regulations:

State Regulation 401 KAR 63:010, Fugitive emissions, applies to each of the affected facilities listed above.

Applicable Requirements:

a) The materials processed at each of the affected facilities listed above shall be controlled with wet suppression and/or enclosures so as to comply with the requirements as specified in State Regulation 401 KAR 63:010, Fugitive emissions, Section 3., Standards for Fugitive Emissions. In addition, the haul road and yard area (emission point 06) and the paved haul road and yard area (emission point 07) shall be controlled by water on a regular basis so as to comply with the requirements specified in State Regulation 401 KAR 63:010, Section 3.

b) The owner or operator of each facility listed above shall comply with the requirements of State Regulation 401 KAR 63:010, Section 3(2) as follows: No person shall cause or permit

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

Compliance Demonstration Method:

See Section C, General Condition F.2.

2. Operating Limitations:

N/A

3. Emission Limitations:

N/A

4. Testing Requirements:

N/A

5. Monitoring Requirements:

See Section C, General Condition F.2.

6. Record keeping Requirements:

See Section C, General Conditions B.1., B.2., and F.2.

7. Reporting Requirements:

See Section C, General Conditions C.1. C.2., F.3., and G.2.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 02 (CR-1) Primary Crusher
(5348 Impact)
- 03 (C-1) 42" x 78" Conveyor and Transfer Points
(To Triple Deck Screen)
- (C-2) 30" x 100' Conveyor and Transfer Points
(To Rip Rap Conveyor)
- (C-4) 30" x 60' Conveyor and Transfer Points
(To Base Conveyor)
- 04 (S-1) Screen
(6'x16' Triple Deck)

1. Applicable Regulations:

State Regulation 401 KAR 59:310, New nonmetallic mineral processing plants (40 CFR 60, Subpart OOO as modified by Section 2 of 401 KAR 59:310), applies to each of the affected facilities listed above.

Applicable Requirements:

- a. Fugitive emissions from the primary crusher, emission point 02 (CR-1) shall not exhibit greater than fifteen percent (15%) opacity as referenced in State Regulation 401 KAR 59:310 (40 CFR 60.672(c)).
- b. Fugitive emissions from the screen, emission points 04 (S-1); and conveyor transfer points, emission points 03 (C-1, C-2, and C-4) shall not exhibit greater than ten percent (10%) opacity, each, as referenced in State Regulation 401 KAR 59:310 (40 CFR 60.672(b)).

Compliance Demonstration Method:

In determining compliance with the opacity standards as listed above, the owner or operator shall use Method 9 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(c).

2. Operating Limitations:

N/A

3. Emission Limitations:

N/A

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Testing Requirements:

N/A

5. Monitoring Requirements:

See Section C, General Condition F.2.

6. Record keeping Requirements:

See Section C, General Condition B.1., B.2., and F.2.

7. Reporting Requirements:

See Section C, General Condition C.1., C.2., F.3. and G.2.

SECTION C - GENERAL CONDITIONS

A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, Section 7 and is grounds for an enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division.
3. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
4. The permit contained herein may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition.
5. The permit does not convey property rights or exclusive privileges.
6. The permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee.
7. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
8. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
9. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
10. At least 10 days prior to moving the portable operation to any other site in the Commonwealth of Kentucky (excluding Jefferson County), the permittee shall notify the Division of the new site location, including the UTM or latitude and longitude coordinates, and the date of start-up. In addition, if the date of the intended operation is canceled or rescheduled, the permittee shall notify the Division at least 5 days prior to the new date of the intended operation.

SECTION C - GENERAL CONDITIONS (CONTINUED)

B. Record keeping Requirements

1. All records and support information required by State Regulation 401 KAR 50:035, Permits, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
2. The permittee shall perform compliance certification and record keeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035, Permits, Section 6.

C. Reporting Requirements

1. In accordance with Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office by telephone as promptly as possible any deviation from permit requirements, including those due to malfunctions, unplanned shutdowns, ensuing startups, or upset conditions. Pursuant to Regulation 401 KAR 50:035, Section 7(1)(e), the notification shall describe the probable cause of the deviations and corrective actions or preventive measures taken.
2. The permittee shall furnish information, to the Division and in writing, that the Division may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Division, copies of records, reports, and other information required by the permit to be kept.

D. Inspections

1. The permittee shall allow the Cabinet or an authorized representative to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 1. During normal office hours, and
 2. During periods of an emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 1. During all hours of operation at the source,
 2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 3. During an emergency; and

SECTION C - GENERAL CONDITIONS (CONTINUED)

D. Inspections (Continued)

- d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 1. During all hours of operation at the source,
 2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 3. During an emergency.

E. Emergencies/Enforcement Provisions

1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
2. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 9, an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency if the notice met the requirement of State Regulation 401 KAR 50:035, Permits, Section 7(1)(e)2, and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

F. Compliance

1. Permit Shield - Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements as of the date of the issuance of this permit.
2. Periodic testing or instrumental or non instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose

SECTION C - GENERAL CONDITIONS (CONTINUED)

F. Compliance (Continued)

of demonstration of continuing compliance, the following guidelines shall be followed:

- a. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
 - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non routine maintenance performed on each control device.
 - c. A log of the monthly raw material consumption and monthly production rates shall be kept available at the facility. Compliance with the emission limits may be demonstrated by computer program (spread sheets), calculations or performance tests as may be specified by the Division.
3. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall annually complete and return a Compliance Certification Form (DEP 7007CC) to the Division's Frankfort office. The form shall be signed by a responsible official and shall identify the compliance status of each affected facility listed herein with respect to the terms and conditions of this permit during the previous year. The compliance certification shall be submitted to the Division no later than January 15 of each year.

G. New Construction Requirements

1. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be granted by the Division upon a satisfactory request showing that an extension is justified.
2. Pursuant to State Regulations 401 KAR 50:035, Permits, Section 7(2)(d) and 401 KAR 59:005, General provisions, Section 3(1), within 30 days following construction commencement, within 15 days following start-up and attainment of maximum production rate, or within 15 days following the issuance date of this permit, whichever is later, the owner and/or operator of the affected facilities specified on this permit shall furnish the Division's Frankfort Regional Office with the following:
 - a. Date when construction commenced, (See General Condition G.1)
 - b. Start-up date of each of the affected facilities listed on this permit.
 - c. Date when maximum production rate was achieved. (See General Condition G.3.b)
3. a. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 2(1), this permit shall allow time for the initial start-up, operation and compliance demonstration of the

SECTION C - GENERAL CONDITIONS (CONTINUED)

G. New Construction Requirements (Continued)

affected facilities listed herein. However, within 60 days after achieving the maximum production rate at which the affected facilities will be operated, but not later than 180 days after initial start-up of such facilities, the owner or operator shall demonstrate compliance to a duly authorized representative of the Division.

- b. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 3(1)(b), unless notification and justification to the contrary are received by this Division, the date of achieving the maximum production rate at which the affected facilities will be operated shall be deemed to be 30 days after initial start-up.
4. Operation of the affected facilities authorized by this permit shall not commence until compliance with applicable standards specified herein has been demonstrated in accordance with the requirements of State Regulation 401 KAR 50:035, Permits, Section 13(4).